

## **EXHIBIT 3**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES**

**PROBATION OFFICER'S REPORT**

REPORT SEQUENCE NO. 1

DEFENDANT'S NAME(S) WILBUR LYNN MC CLURE T/N: WILBUR MC CLORE			
ADDRESS (PRESENT / RELEASE) 11655 PRAGER LAKEVIEW TERRACE			
BIRTHDATE 7-3-56	AGE 30	SEX MALE	RACE BLACK
CITIZENSHIP STATUS NATIVE		DRIVER'S LICENSE / EXP. DATE N747834	
PROBATION NO. X-016527	CII NO. A06497311	BOOKING NO. 8341454	
DAYS IN JAIL THIS CASE <input type="checkbox"/> ESTIMATED <input checked="" type="checkbox"/> VERIFIED 464		CUSTODY STATUS / RELEASE DATE JAIL	

COURT NW-S	JUDGE SCHEMPP	COURT CASE NO. A-811397
HEARING DATE 3-10-87	DEFENSE ATTY. ADELSON	PROSECUTOR ROSENBLATT
DPO PIERCE	AREA OFFICE ESFV	PHONE NO. 901-4054
TYPE REPORT <input checked="" type="checkbox"/> Probation and sentence <input type="checkbox"/> Pre-Conviction (131.3 CCP) <input type="checkbox"/> Post sentence <input type="checkbox"/> Diversion (Specify) _____		

**PRESENT OFFENSE: LEGAL HISTORY**

**CHARGED with the crimes of** (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES)

209 (B) PC (KIDNAP FOR ROBBERY) COUNT 14  
 211 PC (ROBBERY) COUNT 15  
 487.3 PC (GRAND THEFT AUTO) COUNT 16  
 PRIOR ALLEGED

**CONVICTED of the crimes of** (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES)

COUNTS X, 14, 15, and 16

CONVICTED BY JURY	DATE OF CONVICTION / <del>RELEASE</del> 2-3-87	COUNT(S) CONTINUED TO P & S FOR DISPOSITION NONE
PROPOSED PLEA AGREEMENT		SOURCES OF INFORMATION
DATE(S) OF OFFENSE 11-25-85		TIME(S) 1:15 P.M.
DEFENDANT: (SEE PRIOR RECORD SECTION)	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> ON PROBATION <input checked="" type="checkbox"/> ON PAROLE-REMAINING TIME _____	<input type="checkbox"/> SENTENCED TO STATE PRISON/COUNTY JAIL ON CASE _____ <input checked="" type="checkbox"/> PENDING PROBATION VIOLATION <input type="checkbox"/> PENDING NEW CASE
		HOLDS / WARRANTS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

**RECOMMENDATION:**

☐ PROBATION   
 ☒ DENIAL   
 ☐ DIAGNOSTIC STUDY   
 ☐ CYA   
 ☐ OTHER \_\_\_\_\_  
                     ☐ COUNTY JAIL   
                     ☐ 707.2 WIC  
                     ☒ STATE PRISON   
                     ☐ 1203.03 PC

**ADULT COMMITMENT TRANSMITTAL****ROUTING**

1. Retain Green copy for Probation Case File.
2. Send 1st & 2nd copies, with carbon intact and necessary reports attached, to:

STATE COMMITMENT EXPEDITER  
320 W. Temple St., Suite 180  
Los Angeles, Ca. 90012

The Los Angeles County Probation Department  
State Commitment Expediter transmits this  
form and attached reports to:

- ☐ California Youth Authority  
☐ Department of Corrections  
☐ Department of Mental Hygiene

EXPEDITER STAMP

RECEIVED  
PROB

87 / 11-7 P4:32

SEX M <input checked="" type="checkbox"/> F		DEFENDANT'S NAME - LAST, FIRST, MIDDLE INITIAL <b>MC CLORE, WILBUR LYNN</b>		EXPEDITER USE ONLY CDC NO. <u>1-10-87</u> DELIVERY DATE <u>1-10-87</u>	
PROBATION NO. <b>X- 016527</b>		INVESTIGATION AREA OFFICE <b>ESFV</b> DPO NO. <b>121</b>		SUPERVISION AREA OFFICE _____ DPO NO. _____	
DATE OF COURT ORDER month <b>3</b> day <b>31</b> year <b>87</b>		COMMITTING COURT <b>SUPERIOR</b>		DISTRICT <b>LA</b>	
				DEPT./DIV. <b>NWS</b>	
SHERIFF'S BOOKING NUMBER / JUV. HALL <b>8341454 7522483</b>				COURT NUMBER(S) <b>A-807032 REV.</b> <b>A-811397 DEN.</b>	
<b>PAROLE STATUS</b> <input type="checkbox"/> NOT ON PAROLE <input type="checkbox"/> ACTIVE CASE <input type="checkbox"/> CYA <input type="checkbox"/> Dept. of Corrections <input type="checkbox"/> C.R.C. STATE NO. _____ TERMINATION DATE _____			<b>ORDERED COMMITTED TO:</b> <input type="checkbox"/> PRISON (1203.03 P.C.) <input type="checkbox"/> HOSPITAL (MDSO or other DMH) <input type="checkbox"/> CYA <input type="checkbox"/> CYA DIAGNOSTIC STUDY (707.2 W.I.C.) <input checked="" type="checkbox"/> STATE PRISON <input type="checkbox"/> PRISON (1170 P.C.) <input type="checkbox"/> PRISON (1731.5(c))		

REPORTS ATTACHED		CYA DIAG.	CYA	STATE PRISON	DMH
		Required Copies of Each			
<input checked="" type="checkbox"/>	1. P&S INVESTIGATION REPORTS (ALL) <b>3-10-87, 2-25-86, 8-3-84.</b>	3	3	1	1
	2. VIOLATION/MODIFICATION/SUPPLEMENTAL REPORTS	N/A	3	1	1
	3. AVAILABLE PSYCHIATRIC OR PSYCHOLOGICAL REPORTS	2	2		
	4. AVAILABLE MEDICAL REPORTS	2	2		
	5. AVAILABLE DEPARTMENT OF MENTAL HYGIENE REPORTS	2	2		
	6. YOUTH AUTHORITY FORM NO. Y.A. 1.411	1	1		
	7. ARREST REPORT ON OFFENSE(S) REFERRED	2			
	8. CALIFORNIA EDUCATIONAL CUMULATIVE RECORD/SCHOOL REPORT	1			

REVIEWED FOR COMPLETENESS AND MAILED BY	
INITIALS <b>mf</b>	DATE <b>4-6-87</b>

**PRESENT OFFENSE:  
(CONTINUED)**

SOURCES OF INFORMATION (this page)

D.A. FILE

ARREST DATE	TIME	BOOKED AS	OFFENSE	LOCATION OF ARREST	ARRESTING AGENCY
12-2-85	7:00 A.M.	SAME	211 PC	8424 SEPULVEDA BLVD.	LAPD

CO-DEFENDANT(S)	CASE NO.	DISPOSITION
MICHAEL MURPHY	A-811397	11-6-86, STATE PRISON, LIFE WITH POSSIBILITY OF PAROLE, PLUS 12 YEARS, EIGHT MONTHS.

**ELEMENTS AND RELEVANT CIRCUMSTANCES OF THE OFFENSE:**

ACCORDING TO THE POLICE REPORT, ON NOVEMBER 26, 1985, AT ABOUT 1:15 P.M., THE VICTIM STARTED TO GET OUT OF HER CAR IN WENDY'S PARKING LOT, WHEN CODEFENDANT MURPHY RAN UP AND PUSHED HER BACK INSIDE. HE FORCED HER OVER TO THE PASSENGER'S SIDE, ENTERED, AND GRABBED HER BY THE THROAT, FORCING HER TO THE FLOORBOARD. HE STRUCK HER IN THE FACE AND DEMANDED HER MONEY. SHE SAID HER PURSE WAS IN THE TRUNK AND WHEN HE WENT TO GET IT, HE TOLD HER NOT TO TRY TO GET AWAY AS, "I HAVE A GUN AND I'LL USE IT." WHILE THE CODEFENDANT WAS GETTING PROPERTY OUT OF THE TRUNK, SHE NOTICED DEFENDANT APPROACH ON THE DRIVER'S SIDE AND WATCH HER. WHEN THE CODEFENDANT CAME BACK WITH THE PURSE, HE GOT INTO THE DRIVER'S SEAT. THE DEFENDANT THEN WENT AROUND TO THE PASSENGER'S SIDE, OPENED THE DOOR AND GRABBED VICTIM BY THE ARM, FORCING HER TO GET INTO THE BACK SEAT. HE THEN GOT INTO THE FRONT PASSENGER'S SEAT. HE TURNED TOWARD THE VICTIM AND SAID, "IF YOU MAKE A STUPID MOVE, WE'RE GOING TO KILL YOU, WE HAVE A GUN." THEY THEN DROVE TO A SHOPPING AREA IN SAN FERNANDO. THE CODEFENDANT HAD THE VICTIM EXIT THE CAR AND PUT HIS ARM AROUND HER

-2- (MC CLURE)

1 NECK. HE TOLD HER TO ACT AS IF HE WERE HER BOYFRIEND. THE THREE  
2 WENT INTO A SPORTING GOODS STORE WHERE THE CODEFENDANT PICKED OUT  
3 THREE SWEATSUITS AND HAD THE VICTIM PAY FOR THEM. THEY THEN DROVE  
4 TO A SHOESTORE WHERE DEFENDANT TOOK TWO BOXES OF TENNIS SHOES FROM  
5 THE SHELF AND THE VICTIM PAID FOR THEM. AS THEY WERE DRIVING ON  
6 THE SIMI FREEWAY, THEY PULLED OFF THE ROAD AND TOOK JEWELRY FROM  
7 THE VICTIM. THEY THEN FORCED HER OUT OF THE CAR AND DROVE OFF. THE  
8 VICTIM FLED DOWN AN EMBANKMENT AND PHONED THE POLICE.

1 VICTIM:

SOURCES OF INFORMATION (this page)

D.A. FILE, VICTIM

3 NAME

KRISTI BOUCHER

COUNT(S)

COUNTS ONE THROUGH THREE

5 INJURY: PROPERTY LOSS (TYPE / COST / ETC.)

DAMAGE TO VEHICLE, NO PHYSICAL INJURIES

7 INSURANCE COVERAGE

CAR PAID FOR BY INSURANCE, LOSS

9 LOSS: ☒ YES ☐ NO

ESTIMATED LOSS

RESTITUTION ALREADY MADE

APPLIED FOR VICTIM RESTITUTION FUND

☐ UNK ☐ YES ☒ NO

## 10 VICTIM STATEMENT:

MISS BOUCHER STATES THAT SHE HAS SUFFERED A GREAT DEAL  
 OF MENTAL DISTRESS AS THE RESULT OF THE OFFENSE, BUT SHE DID NOT SEEK  
 COUNSELING. SHE STATES THAT THE CODEFENDANT WAS THE ONE WHO WAS THE  
 MOST VICIOUS TOWARD HER AND THE ONE MAKING MOST OF THE THREATS. SHE  
 DOES NOT IN ANY WAY EXCUSE DEFENDANT'S BEHAVIOR, BUT STATES THAT HE  
 DID NOT APPEAR TO BE THE ORIGINAL INSTIGATOR. SHE HAS NO PARTICULAR  
 COMMENTS AS TO SENTENCING, BUT HOPES THAT THEY ARE BOTH IN FOR A LONG  
 TIME, AS SHE IS FEARFUL FOR HER SAFETY WHEN THEY ARE RELEASED.

## 25 RESTITUTION

TOTAL NUMBER OF VICTIMS

ESTIMATED LOSS TO ALL VICTIMS

VICTIM(S) NOTIFIED OF P&amp;S HEARING

☒ YES ☐ NO26 DOES DEFENDANT HAVE INSURANCE  
TO COVER RESTITUTION:☐ YES ☐ NO

INSURANCE COMPANY NAME/ADDRESS/TELEPHONE NO.

29 -4- (MC CLURE)

VICTIM LIST CONTINUES NEXT PAGE

## PRIOR RECORD:

SOURCES OF INFORMATION (this page)

CII, LAPD, LASO AND PROBATION FILES

## AKA'S:

1-12-82 LAPD - 484 PC (PETTY THEFT) AND 484 (G) PC (THEFT BY CREDIT CARD), 484 (E) PC (THEFT OF CREDIT CARD); CASE NO. 686459, WARRANT ISSUED.

(DEFENDANT SAID THAT HE WAS A PASSENGER IN A CAR IN WHICH THE DRIVER PAID FOR GAS WITH A STOLEN CREDIT CARD. DEFENDANT SAID HE DID FIVE DAYS IN JAIL AND WAS ORDERED TO PAY A RESTITUTION.)

3-7-82 MODESTO SHERIFF'S - 459 PC (BURGLARY); NO. 182996, STANISLAUS SUPERIOR COURT, CONVICTED 459 SECOND DEGREE; TWO YEARS STATE PRISON; PAROLED 7-11-83, REVOKED 4-24-84, ONE YEAR ON VIOLATION; EXPIRATION DATE 7-11-87.

(DEFENDANT BURGLARIZED THE HOME OF HIS GIRLFRIEND'S AUNT, TAKING A SAFE WHICH CONTAINED JEWELRY, CASH AND PERSONAL PAPERS.)

3-22-84 LAPD - 266 (H) PC (PIMPING) AND 245 (A) PC (ADW); CASE NO. A-807032, PG245A PC; 8-3-84, THREE YEARS FORMAL PROBATION, 270 DAYS JAIL, VIOLATION SET FOR 3-10-87, DEPT. NW-S.

(VICTIM STATED DEFENDANT FORCED HER INTO PROSTITUTING FOR HIM UNDER THREAT OF PHYSICAL HARM AND ONE OCCASION HIT HER WITH A TELEPHONE.)

-5- (MC CLURE)

PERSONAL HISTORY:

SOURCES OF INFORMATION (this page)

DEFENDANT

SUBSTANCE ABUSE:

☒ No record, indication, or admission of alcohol or controlled substance abuse.

☐ Occasional social or experimental use of \_\_\_\_\_ acknowledged.

☐ See below: Indication / admission of significant substance abuse problem.

Referred to Narcotic Evaluator ☐ Yes ☐ No

☐ Narcotic Evaluator's report attached

Additional information

PHYSICAL / MENTAL / EMOTIONAL HEALTH:

☒ No indication or claim of significant physical/mental/emotional health problem.

☐ See below: Indication / claim of significant physical/mental/emotional health problem.

Additional information

-6- (MC CLURE)

1 PERSONAL HISTORY:  
2 (CONTINUED)

SOURCES OF INFORMATION (this page)

DEFENDANT

3 RESIDENCE	4 TYPE RESIDENCE	5 LENGTH OF OCCUPANCY	6 MORTGAGE/RENT	7 RESIDES WITH/RELATIONSHIP
8 RESIDENTIAL STABILITY LAST FIVE YEARS FAIR	9 CAME TO STATE / FROM 1976 - MEMPHIS, TN		10 CAME TO COUNTY / FROM SAME	

Additional information

7 DEFENDANT WAS LAST LIVING WITH HIS AUNT, JESSIE KIMBALL,  
8 AT THE FACE SHEET ADDRESS AND WOULD AGAIN RESIDE THERE.

14 MARRIAGE / PARENTHOOD	15 MARITAL STATUS DIVORCE	16 NAME OF SPOUSE <del>XXXXXXXXXXXX</del> ETTA NEALY
17 LENGTH OF UNION 1976 TO 1980	18 NO. OF CHILDREN THIS UNION ONE (AGE EIGHT)	SUPPORTED BY MOTHER
19 NO. PRIOR <del>MARRIAGES</del> / COHABITATIONS ONE (1982 TO 1984)	20 NO. OF CHILDREN THESE UNIONS ONE (AGE TWO)	SUPPORTED BY WELFARE
21 NO. OF OTHER CHILDREN	22 SUPPORTED BY	

Additional information

27 FORMAL EDUCATION:  
28 11TH GRADE.

**PERSONAL HISTORY:  
(CONTINUED)**SOURCES OF INFORMATION (this page)  
DEFENDANT

<b>EMPLOYMENT STATUS</b>	<input type="checkbox"/> EMPLOYED	REFERRED TO WORK FURLOUGH		EMPLOYER AWARE OF PRESENT OFFENSE	
	<input checked="" type="checkbox"/> UNEMPLOYED	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO
PRESENT/LAST EMPLOYER / ADDRESS / PHONE SEE BELOW		OCCUPATION	PERIOD OF EMPLOYMENT	GROSS MONTHLY WAGE	
<input type="checkbox"/> VERIFIED <input type="checkbox"/> UNVERIFIED		EMPLOYMENT STABILITY LAST 5 YEARS		TYPES OF PREVIOUS EMPLOYMENT SHIPPING AND RECEIVING, PAINTER	

Additional information

DEFENDANT WAS NOT EMPLOYED DURING THE TIME PRIOR TO HIS  
ARREST.

<b>FINANCIAL STATUS</b>	INCOME STABILITY POOR		NET MONTHLY INCOME NONE AT PRESENT	
	PRIMARY INCOME SOURCE	SECONDARY INCOME SOURCE(S)	EST. TOTAL ASSETS NONE	EST. TOTAL LIABILITIES NONE
MAJOR ASSETS / ESTIMATED VALUE				
MAJOR LIABILITIES / ESTIMATED AMOUNT (MONTHLY)				

Additional information

GANG ACTIVITY

☐ YES☒ NO

Name of Gang \_\_\_\_\_

1 DEFENDANT'S STATEMENT:

2 DEFENDANT DENIES KIDNAPPING THE VICTIM. HE STATES  
3 HE WAS COMING OUT OF WENDY'S RESTAURANT AND WAS BY HIMSELF. HE SAW  
4 THE CODEFENDANT MURPHY WHO WAS AN ACQUAINTANCE OF HIS SITTING IN A  
5 CAR. HE WENT OVER TO TALK TO HIM AND MURPHY INTRODUCED THE VICTIM  
6 AS HIS GIRLFRIEND, AS SHE SMILED AT DEFENDANT AND SAID HELLO. HE  
7 GOT IN THE CAR WITH THEM AND THEY DROVE TO A MALL. HE STATES DURING  
8 THIS TIME, THE VICTIM WAS ACTING IN A NATURAL MANNER AND HE DID NOT  
9 HEAR ANY THREATS MADE. HE STATES THEY ALL WENT INTO THE STORE, AND  
10 THAT THE VICTIM WAS BUYING THINGS FOR THE CODEFENDANT AND HE DID  
11 NOT FEEL THAT THERE WAS ANY DURESS. AS THEY WERE DRIVING HOME, VICTIM  
12 AND CODEFENDANT GOT INTO AN ARGUMENT ABOUT USE OF THE CAR AND THE  
13 VICTIM SAID THAT HER HUSBAND WANTED TO USE THE CAR LATER ON. THE  
14 CODEFENDANT TOLD HER TO GET OUT OF THE CAR, CALL HER HUSBAND AND HAVE  
15 HIM PICK HER UP. AFTER SHE GOT OUT OF THE CAR, THE CODEFENDANT  
16 DROPPED DEFENDANT OFF AT HIS HOUSE AND HE DID NOT SEE THE CODEFENDANT  
17 OR THE CAR AGAIN. HE STATES THE CODEFENDANT WAS SUPPOSED TO TESTIFY  
18 FOR HIM IN COURT TO THE EFFECT THAT DEFENDANT DID NOT KNOW WHAT WAS  
19 GOING ON, BUT FOR SOME REASON HE WAS NOT BROUGHT INTO COURT. HE  
20 STATES HIS FIRST PUBLIC-DEFENDER OBTAINED A STATEMENT FROM THE  
21 CODEFENDANT. DEFENDANT DOES NOT WANT TO DO A LIFE SENTENCE FOR  
22 SOMETHING HE DID NOT DO. HE STATES HE PLANS TO APPEAL HIS CASE AND  
23 WOULD LIKE TO BE PROVIDED WITH THE POLICE REPORT AND TRANSCRIPTS.

-9- (MC CLURE)

1 INTERESTED PARTIES:

2 DEFENDANT'S RECORDS AT THE NORTH HOLLYWOOD OFFICE  
3 SHOW THAT HE HAS ALREADY COMPLETED HIS ONE YEAR OF VIOLATION TIME  
4 AND HIS PAROLE IS DUE TO EXPIRE JULY 11, 1987. THE VIOLATION  
5 REPORT INDICATED THAT THERE WAS NO EVIDENCE OF DEFENDANT BEING  
6 EMPLOYED WHILE ON PAROLE AND HE HAD ABSCONDED HIS PAROLE PRIOR TO  
7 THE ARREST.

8 CONDUCT UNDER SUPERVISION:

9 THE SUPERVISION OFFICER HAD PREVIOUSLY SUBMITTED A  
10 FULL VIOLATION REPORT IN CASE NUMBER A-807032. WHILE ON PROBATION,  
11 DEFENDANT WAS NOT EMPLOYED EXCEPT FOR A FEW WEEKS IN JULY OF 1985.  
12 HE MOVED WITHOUT REPORTING HIS ADDRESS AND FAILED TO REPORT IN  
13 NOVEMBER, 1985.

14 EVALUATION:

15 DEFENDANT WAS ON BOTH PAROLE AND PROBATION SUPERVISION  
16 AT THE TIME OF THE OFFENSE, AND THEREFORE IS NOT CONSIDERED SUITABLE  
17 FOR PROBATION. PURSUANT TO PENAL CODE 1203.08 AND 1203.085, DEFENDANT  
18 DOES NOT APPEAR TO BE ELIGIBLE FOR PROBATION.

19 SENTENCING CONSIDERATIONS:

20 CIRCUMSTANCES IN AGGRAVATION:

- 21 1. THE CRIME INVOLVED THREAT OF GREAT BODILY HARM.  
22 2. DEFENDANT HAS PRIOR CONVICTIONS.  
23 3. DEFENDANT HAS SERVED PRIOR PRISON TERMS.

4. DEFENDANT WAS ON PAROLE WHEN HE COMMITTED THE CRIME.

5. DEFENDANT'S PERFORMANCE ON PAROLE WAS UNSATISFACTORY.

CIRCUMSTANCES IN MITIGATION:


1. DEFENDANT APPEARS TO HAVE PLAYED A LESSER ROLE THAN THAT OF THE CODEFENDANT.

RECOMMENDATION:

IT IS RECOMMENDED THAT PROBATION BE DENIED AND DEFENDANT SENTENCED TO STATE PRISON.

RESPECTFULLY SUBMITTED,

BARRY J. NIDORF,  
PROBATION OFFICER

BY   
LEA A. PIERCE, DEPUTY  
EAST SAN FERNANDO VALLEY AREA OFFICE  
901-4054

READ AND APPROVED

I HAVE READ AND CONSIDERED  
THE FOREGOING REPORT OF  
THE PROBATION OFFICER

BY   
ART KEENER, SDPO

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

(SUBMITTED 2-25-87)  
(TYPED 3-5-87)  
LAP:DL (6)

-11- (MC CLURE)